

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

REX COMPUTING, INC.,	)	REDACTED - PUBLIC VERSION
	)	C.A. No. 21-525 (MN)
Plaintiff,	)	JURY TRIAL DEMANDED
	)	
v.	)	
	)	
CEREBRAS SYSTEMS INC.,	)	
	)	
Defendant.	)	

**DECLARATION OF JONATHAN SWISHER IN SUPPORT OF PLAINTIFF REX COMPUTING INC'S REPLY BRIEF IN SUPPORT OF ITS MOTION TO EXCLUDE CERTAIN OPINIONS AND TESTIMONY OF DR. PATRICK F. KENNEDY**

I, Jonathan Swisher, declare as follows:

1. I am an attorney at the law firm Arnold & Porter Kaye Scholer LLP (“Arnold & Porter”), and counsel for Rex Computing, Inc. (“Rex”) in the above-captioned action. I am a licensed attorney and a member in good standing of the Bar of the State of California and the Bar of the State of New York, and I am admitted *pro hac vice* in the United States District Court for the District of Delaware in the above-captioned action. I respectfully submit this declaration in support of Plaintiff Rex Computing Inc.’s reply brief in support of its Motion To Exclude Certain Opinions And Testimony of Dr. Patrick F. Kennedy, filed contemporaneously herewith.

2. Attached hereto as Exhibit 1 is a true and correct copy of Balt’s Opposition to Plaintiff’s *Daubert* Motion to Exclude Opinions and Testimony of Jeffrey Kinrich, filed in *Microvention, Inc. v. Balt USA, LLC*, No. 8:19-CV-01335-JLS (C.D. Cal.) on June 17, 2022.

3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the transcript of the deposition of Dr. Patrick F. Kennedy, dated April 12, 2024.

4. Attached hereto as Exhibit 3 is a true and correct copy of Apple Inc.’s Memorandum of Points and Authorities In Support of Its *Daubert* Motion to Exclude Testimony of Drs. Prince, Kennedy, Brogioli, and Kelley, filed in *Qualcomm Inc. v. Apple Inc.*, No. 3:17-CV-01375-DMS-MDD (S.D. Cal.) on November 27, 2018.

5. Attached hereto as Exhibit 4 is a true and correct copy of Qualcomm's Opposition to Apple's Daubert Motion to Exclude Testimony of Drs. Prince, Kennedy, Brogioli, and Kelley, filed in *Qualcomm Inc. v. Apple Inc.*, No. 3:17-CV-01375-DMS-MDD (S.D. Cal.) on December 28, 2018.

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge. Executed on May 31, 2024, in Oakland, California.

/s/ Jonathan Swisher  
Jonathan Swisher

**CERTIFICATE OF SERVICE**

I hereby certify that on May 31, 2024, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on May 31, 2024, upon the following in the manner indicated:

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*/s/ Anthony D. Raucci*

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Anthony D. Raucci (#5948)